

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

WRICKEY L. MOSLEY,

CV. 09-297-MO

Plaintiff,

ORDER

v.

MARK NOOTH, et al.,

Defendants.

MOSMAN, District Judge.

On December 3, 2009, plaintiff filed a Motion for Summary Judgment (#21). A party submitting a written motion to the court is required to serve the motion "upon each of the parties" to the lawsuit. Fed. R. Civ. P. 5(a). Petitioner's Motion does not include a certificate of service. Based upon the lack of a certificate of service, coupled with the lack of any response from respondent, the court is left to conclude that petitioner failed to serve a copy of his Motion on counsel for respondent. As a result, plaintiff's Motion for Summary Judgment (#21) is DENIED without prejudice.

All pretrial, discovery, and dispositive motions remain due by
March 1, 2010.

IT IS SO ORDERED.

DATED this 12 day of January, 2010.

/s/Michael W. Mosman
Michael W. Mosman
United States District Judge